

LEGISLATIVE BILL 214

Approved by the Governor May 12, 1983

Introduced by Miscellaneous Subjects Committee,
Hefner, 19, Chairperson; Von Minden, 17;
Fenger, 45; V. Johnson, 8; Hannibal, 4;
Lundy, 36; Barrett, 39; Fenger, 45

AN ACT to amend section 49-1493, Reissue Revised Statutes of Nebraska, 1943, and section 49-1469, Revised Statutes Supplement, 1982, relating to the Nebraska Political Accountability and Disclosure Act; to authorize the expenditure of certain funds; to change provisions relating to the filing of certain statements; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 49-1469, Revised Statutes Supplement, 1982, be amended to read as follows:

49-1469. (1) Any corporation, labor organization, or industry, trade, or professional association, whether organized under the laws of this state or any other state or country and doing business in this state, without being a committee as defined in section 49-1413, may make expenditures or provide personal services. It shall not be required to file reports of independent expenditures pursuant to section 49-1467, but it shall file a report with the commission within ten days after the end of the calendar month in which any expenditure is made or personal service provided. Such report shall fully disclose the nature, date, and value of any expenditure, as well as the committee or candidate to which or in whose behalf it was made. In the case of personal services, the corporation, labor organization, or industry, trade, or professional association shall in such report fully detail the nature, date or dates, the specifics of the personal service provided, the committee or candidate to which or in whose behalf it was made, and the proposition in behalf of or in opposition to which it was made.

(2) (a) A corporation, labor organization, or

industry, trade, or professional association may not receive contributions unless it establishes and administers a separate segregated political fund which may be utilized only for the purpose of receiving such contributions and making expenditures in the manner set forth in this subsection.

(b) The corporation, labor organization, or industry, trade, or professional association establishing and administering such a separate segregated political fund shall not make an expenditure to such fund, except that it may make expenditures and provide personal services for the establishment and administration of such separate segregated political fund.

(c) All contributions to and expenditures from such separate segregated political fund shall be limited to money or anything of ascertainable value obtained through the voluntary contributions of the employees, officers, directors, stockholders, or members of the corporation, including a nonprofit corporation, labor organization, or industry, trade, or professional association, and the affiliates thereof, under which such fund was established. No contribution or expenditure shall be received or made from such fund if obtained or made by using or threatening to use job discrimination or financial reprisals. Only expenditures to candidates and committees and independent expenditures may be made from such a fund established by a corporation or labor organization. Only expenditures to candidates and committees, independent expenditures, and expenditures for the establishment and administration of such separate segregated political fund may be made from a fund established by an industry, trade, or professional association.

(d) The corporation, labor organization, or industry, trade, or professional association which establishes and administers a separate segregated political fund shall file the reports required by subsection (1) of this section with respect to the expenditures made or personal services provided for the establishment and administration of such fund but need not file such reports for the expenditures made from such fund. If a corporation makes an expenditure to a separate segregated political fund which is established and administered by an industry, trade, or professional association of which such corporation is a member, such corporation shall not be required to file the reports required by subsection (1) of this section.

(e) Such a separate segregated political fund is hereby declared to be an independent committee and subject to all of the provisions of sections 49-1401 to 49-14,138 applicable to independent committees, and the

corporation, labor organization, or industry, trade, or professional association which establishes and administers such fund shall make the reports and filings required therefor.

(3) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 2. That section 49-1493, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1493. The individuals listed in subdivisions (1) to ~~(4)~~ (11) of this section shall file with the commission a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed.

Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

(1) An individual holding a state executive office as provided in Article IV, Constitution of Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and the heads of such other executive departments as set forth in the Constitution or as may be established by law;

(2) An individual holding the office of Commissioner of Education, member of the State Board of Education, or member of the Board of Regents of the University of Nebraska;

(3) A member of the Board of Parole;

(4) A member of the Public Service Commission;

(5) A member of the Legislature;

(6) A member of the board of directors or an officer of a district organized under the provisions of Chapter 70;

(7) A member of any board or commission of the state or any county which examines or licenses a business, trade, or profession, or which determines rates for or otherwise regulates a business;

(8) A member of a land-use planning commission, zoning commission, or authority of the state or any county with a population of more than one hundred thousand inhabitants;

(9) An elected official of a city of the primary or metropolitan class;

(10) (9) An elected county official; and

(11) (10) An official or employee of the state designated by rules and regulations of the commission, who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- (a) Contracting or procurement;
- (b) Administering or monitoring grants or subsidies;
- (c) Land-use planning or zoning;
- (d) Inspecting, licensing, regulating, or auditing any person; or
- (e) Any similar action.

Sec. 3. That original section 49-1493, Reissue Revised Statutes of Nebraska, 1943, and section 49-1469, Revised Statutes Supplement, 1982, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.